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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,141	12/05/2001	Matthew Jay Bangel	AUS920010935US1	8050

7590

07/21/2004

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EXAMINER

EHICHIOYA, FRED I

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/005,141

Applicant(s)

BANGEL ET AL.

Examiner

Fred I. Ehichioya

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

### **DETAILED ACTION**

1. Claims 1 - 21 are pending in this application.

### **Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,636,873 issued to Robert L. Carini et al (hereinafter "Carini") in view of U.S. Patent 6,240,414 issued to Mordechai M. Beizer et al (hereafter "Beizer").

Regarding claims 1, 8 and 15, Carini teaches in a database system wherein a group of users have access to create and edit a plurality of documents stored in the database, a system for periodically clearing the database of stored document replication conflicts comprising:

means for storing all documents involved in each of a plurality of replication conflicts (see Fig.5; column 7, line 55 – column 8, line10);

means for defining a prioritized sequence of predetermined attribute values to be applied to distinguish between the stored documents in each of said replication conflicts (see column 7, lines 21 – 54).

Carini does not explicitly teach sequence of predetermined attributes.

However, Beizer teaches means for periodically applying said sequence of predetermined attribute values to said plurality of replication conflicts to resolve each conflict by eliminating all but one of the documents in said conflict for insufficient value of a predetermined attribute (see column 6, line 62 – column 7, line 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Beizer with the teaching of Carini wherein the time a change was made determine the sequence of the attribute in conflict of two users making the change. The motivation is that combining Beizer with Carini enables a timestamp to be registered when two users make changes that cause the conflict. As a result of this timestamp, conflicts can be detected and resolved.

Regarding claims 2, 9 and 116, Beizer teaches said means for periodically applying said sequence of attribute values include means automatically applying said sequence at predetermined regular time intervals (see column 5, lines 2 – 31).

Regarding claims 3, 10 and 17, Beizer teaches at least some of said stored replication conflicts involve pairs of conflicting documents; and said conflicts are resolved when one of any pair of conflicting documents has an insufficient value of one of said applied sequence of attributes (see column 5, lines 46 – 56).

Regarding claims 4, 11 and 18, Beizer teaches means for designating one of each of said stored pairs of conflicting documents as the main document and the other of said pair as the secondary document before said sequence of attribute values are applied (see column 8, lines 33 – 44).

Regarding claims 5, 12 and 19, Beizer teaches wherein one of said sequence of attribute values to be applied is that only one of said pair of documents has been modified after one of said pair has been designated as the main document to thereby eliminate said unmodified document of said pair (see column 7, lines 23 – 62).

Regarding claims 6, 13 and 20, Beizer teaches wherein one of said sequence of attribute values to be applied is that only one of said pair of documents has associated entered comments to thereby eliminate the document of said pair without associated comments (see column 10, lines 35 – 67).

Regarding claims 7, 14 and 21, Beizer teaches wherein one of said sequence of attribute values to be applied is that only one of said pair of documents has an associated date to thereby eliminate the document of said pair without an associated date (see Fig.5 and column 12, lines 8 – 20).


### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 703-305-8039. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fred I. Ehichioya  
Examiner  
Art Unit 2172  
June 30, 2004

  
SHAHID ALAM  
PRIMARY EXAMINER